

HOUSE BILL No. 1638

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-21.

Synopsis: Training of county government officials. Establishes the county government officials training board (board) consisting of state and county officials. Provides that the county officials on the board are appointed by the governor. Requires a county auditor, county clerk, member of a county council, member of a board of county commissioners, county recorder, county surveyor, and county treasurer to successfully complete: (1) a required training course not later than six months after the county official takes office; and (2) an annual continuing education course. Establishes a \$100 fee for attending the required training course and a \$25 fee for a continuing education course. Establishes the county officials training and continuing education fund to pay for approved training courses and other expenses. Requires the board to adopt rules establishing standards and requirements for the training and minimum requirements for continuing education instructors. Requires the board to provide a county official with a certificate or other evidence that the official has successfully completed the training requirements. Requires the county official to provide the certificate to the county commissioners, or the city-county council (in the case of a county having a consolidated city). Requires the county commissioners or city-county council to order the county auditor to withhold the paycheck of a county official until the certificate is provided unless the county commissioners adopt or the city-county council adopts a resolution finding that: (1) the failure of the county official to complete the training is the result of unusual circumstances; (2) the county official is making reasonable progress toward completing the training; and (3) in light of the circumstances, withholding the paycheck of the county official would be unjust.

Effective: July 1, 2009.

Clements, Michael, Richardson

January 16, 2009, read first time and referred to Committee on Ways and Means.



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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1638

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]:

4 **Chapter 21. County Government Officials Training Board**

5 **Sec. 1.** As used in this chapter, "board" refers to the county
6 government officials training board established by section 5 of this
7 chapter.

8 **Sec. 2.** As used in this chapter, "county body" refers to the:

9 (1) county commissioners, in a county not having a
10 consolidated city; or

11 (2) city-county council, in the case of a county having a
12 consolidated city.

13 **Sec. 3.** As used in this chapter, "county official" means a person
14 who holds any of the following offices:

15 (1) County auditor.

16 (2) Circuit court clerk.

17 (3) Member of a county council or city-county council.



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(4) Member of a board of county commissioners.

(5) County recorder.

(6) County surveyor.

(7) County treasurer.

Sec. 4. As used in this chapter, "fund" refers to the county officials training and continuing education fund established by section 18 of this chapter.

Sec. 5. The county government officials training board is established.

Sec. 6. (a) The board consists of the following thirteen (13) members:

(1) The auditor of state or the auditor of state's designee.

(2) The treasurer of state or the treasurer of state's designee.

(3) The state examiner of the state board of accounts or the state examiner's designee.

(4) The secretary of state or the secretary of state's designee.

(5) The commissioner of the department of local government finance or the commissioner's designee.

(6) The executive director of the Association of Indiana Counties or the executive director's designee.

(7) One (1) county auditor.

(8) One (1) circuit court clerk.

(9) One (1) member of a county council.

(10) One (1) member of a board of county commissioners.

(11) One (1) county recorder.

(12) One (1) county surveyor.

(13) One (1) county treasurer.

(b) The governor shall appoint the members under subsection (a)(7) through (a)(13), giving consideration to the geographic balance of the board. Not more than four (4) of the members appointed under subsection (a)(7) through (a)(13) may be from the same political party.

(c) Seven (7) members of the board constitute a quorum for the transaction of business at a meeting of the board. The affirmative vote of at least seven (7) members of the board is necessary for the board to take action.

(d) The term of office of a member of the board appointed under subsection (a)(7) through (a)(13) is two (2) years. However, a member appointed under subsection (a)(7) through (a)(13):

(1) ceases to be a member of the board if the member no longer holds the office from which the member was appointed; and

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(2) serves at the pleasure of the governor and may be removed for any reason.

(e) If a vacancy exists on the board with respect to a member appointed under subsection (a)(7) through (a)(13), the governor shall appoint an individual to fill the vacancy for the balance of the unexpired term.

Sec. 7. (a) The state examiner of the state board of accounts or the state examiner's designee shall serve as chairperson of the board.

(b) The board annually shall elect a vice chairperson from among the members of the board.

(c) Each member of the board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 8. The board shall meet at least three (3) times each year.

Sec. 9. (a) The board shall adopt rules under IC 4-22-2 for the following:

(1) To establish standards for the:

(A) required training course under section 12 of this chapter; and

(B) continuing education course under section 13 of this chapter.

(2) To establish minimum requirements for continuing education instructors approved by the board.

(3) To adopt rules necessary for the administration of this chapter.

(b) The board shall adopt rules under this section not later than July 1, 2010.

Sec. 10. The board shall issue a certificate of completion to a county official who completes a:

(1) required training course under section 12 of this chapter;

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or

(2) continuing education course under section 13 of this chapter.

Sec. 11. The board shall:

(1) establish a required training course under section 12 of this chapter and a continuing education course under section 13 of this chapter; and

(2) approve courses established by a third party that meet the requirements of this chapter and the rules of the board.

Sec. 12. (a) The required training course must include at least forty (40) hours of instruction concerning:

(1) government ethics and state statutes related to government ethics;

(2) access to public records and public meetings;

(3) county budget and finance;

(4) human resources and leadership; and

(5) topics of special interest to each office under section 3 of this chapter.

(b) The board shall offer the required training course at least once every twenty-four (24) months.

(c) Except as provided in subsection (d), after December 31, 2010, a county official must successfully complete the required training course not later than six (6) months after taking office.

(d) After June 30, 2014, a candidate for an office under section 3 of this chapter who:

(1) wins the primary election; and

(2) is unopposed in the general election;

may complete the required training course before taking office.

Sec. 13. (a) After December 31, 2011, the board annually shall offer a continuing education course. The course must:

(1) include at least eight (8) hours of instruction on topics described in section 12(a) of this chapter; and

(2) cover recent developments in legislation or administrative rules affecting county offices.

(b) Each county official must successfully complete the continuing education course each year after the year in which the county official received the required training course under section 12 of this chapter.

(c) County employees may also attend a continuing education course held under this section.

Sec. 14. (a) The board must approve a required training course and a continuing education course before the course may be

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1 credited toward satisfying the training requirements of this
2 chapter.

3 (b) The board may approve other activities for credit toward
4 satisfying the continuing education course requirement, including
5 attending:

- 6 (1) meetings of the state board of accounts;
- 7 (2) meetings of the election division of the office of secretary
8 of state;
- 9 (3) workshops organized by:
 - 10 (A) associations representing the offices under section 3 of
11 this chapter; or
 - 12 (B) the Association of Indiana Counties; or
 - 13 (4) any other meeting or program considered appropriate by
14 the board.

15 Sec. 15. (a) A county official shall provide to the county body
16 each certificate of completion issued by the board to the county
17 official under section 10 of this chapter.

18 (b) Except as provided in section 16 of this chapter, if a county
19 official does not provide a certificate of completion to the county
20 body, the county body shall order the county auditor to withhold
21 the paycheck of the county official.

22 (c) If a county official later presents a certificate of completion
23 to the county body, the county body shall order the auditor to
24 release all the county official's paychecks that were withheld from
25 the county official under this chapter.

26 Sec. 16. The county body is not required to withhold the
27 paycheck of a county official if the county body adopts a resolution
28 finding that:

- 29 (1) the failure of the county official to complete the training
30 requirements is the result of unusual circumstances;
- 31 (2) the county official is making reasonable progress, under
32 the circumstances, toward completing the respective training
33 requirements; and
- 34 (3) in light of the circumstances described in subdivision (1),
35 withholding the paycheck of the county official would be
36 unjust.

37 Sec. 17. (a) The board shall charge each person attending a
38 course under this chapter a fee of:

- 39 (1) one hundred dollars (\$100) for attending the required
40 training course under section 12 of this chapter; and
- 41 (2) twenty-five dollars (\$25) for attending a continuing
42 education course under section 13 of this chapter.

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(b) The fees collected under this section shall be deposited in the fund.

Sec. 18. (a) The county officials training and continuing education fund is established to provide money for the purposes described in section 19 of this chapter. The fund shall be administered by the board.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of gifts, grants, and the fees deposited under section 17 of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 19. The board may use money in the fund for the following purposes:

(1) Obtaining training equipment and supplies necessary to operate the fund.

(2) Support of approved training and continuing education programs that have met the minimum requirements of the board.

(3) Travel expenses, attendance at regional conferences, and other expenses actually incurred in connection with the board member's duties.

(4) Any other purpose that the board determines is necessary to carry out this chapter.

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